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10/690,609	10/23/2003	Youne-sang Lee	1572.1174	5912

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EXAMINER
ALAM, FAYYAZ

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2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 - 11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 - 11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 1/24/2007. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed 1/24/2007 have been fully considered but they are not persuasive. Applicant argues that the prima facie case of non-obviousness has not been established since the motivation of combining the primary reference of Jeansonne et al. with that of Cavin is contained in the Jeansonne et al. reference.

The examiner respectfully disagrees. One of ordinary skill in the art would be motivated to combine the two references of Jeansonne et al. and Cavin in order to conserve power. In addition, the Cavin reference in paragraph [0037] provides a suggestion to have the wireless interface layer (read as wireless access routine) in the BIOS (306) as opposed to using application software or device drivers. From such a statement one of ordinary skill in the art can easily arrive at a conclusion to run the wireless interface layer or wireless access routine through the BIOS firmware in order to conserve power since BIOS does not require the startup of application software, operating system, or initialization of device drivers.

Therefore, examiner maintains his rejection and further clarifies the motivation to combine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 - 4, 6, 7, and 9 - 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of

Cavin (U.S. Application # 2003/0126492).

Consider **claims 1 and 3**, Jeansonne et al. disclose a notebook computer (100)

(read as portable computer) and a method of controlling the notebook computer (100)

that includes a power supply (40) and a wireless communication module (42) (read

wireless communication part) capable of transmitting and receiving a wireless signal as

indicated by antenna (52) comprises: an LED indicator (66) (read as displaying part; an

electrical switch (58) (read as selection part to display wireless accessibility to the

wireless service network; see [0058]); a microcontroller (44) (read as controller) that

controls power supply (40) through coupling with the seek logic (60) to supply power to

the wireless communication module (42) (read as wireless communication part; see

[0038] and [0040]), and LED indicator (66) (read as displaying part) in order to execute

the search for wireless network access and display the network availability once the

electrical switch (58) (read as selection part) is selected while the notebook computer

(100) (read as portable computer) power is turned off (see [0037 - 0042]). Although not

explicitly disclosed it is inherent in order to operate any electrical device one would need

to supply power to it. Similarly, in order to operate the BIOS, it is inherent to supply

power.

However, Jeansonne et al. fail to disclose a BIOS memory storing a network

accessing routine determining the wireless accessibility based on the wireless signal

received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that

comprises an 802.11(b) Medium Access Controller (MAC) (read as network access

routine) which provides interface between the software in the BIOS (306) and the

network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to conserve power by using wireless interface layer in BIOS,

where application software, operating system, and device driver initialization is not

required.

Consider **claims 2 and 4** as applied to claims 1 and 4, Jeansonne et al. disclose

a ten second (predetermined time) seek time to determine the availability of a wireless

network once the electrical switch (58) (read as selection part) is selected and after that

the power supply is disabled through the seek logic (60) which is coupled to the

microcontroller (44) (read as controller) which effectively shuts off any power (read as

the controller controls the power supplying part to interrupt the power supply to the

displaying part, the wireless communication part and the BIOS memory (see [0043] and

[0046]).

Consider **claim 6** as applied to claim 5, Jeansonne et al. disclose a wireless

communication module (42) (read wireless communication part) capable of transmitting

and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66)

(read as notifying part) to display the wireless network availability (see [0036 - 0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network

accessing routine determining the wireless accessibility based on the wireless signal

received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that

comprises an 802.11(b) Medium Access Controller (MAC) (read as network access

routine) which provides interface between the software in the BIOS (306) and the

network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to conserve power by using wireless interface layer in BIOS,

where application software, operating system, and device driver initialization is not required.

Consider **claim 7** as applied to claim 5, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to conserve power by using wireless interface layer in BIOS, where application software, operating system, and device driver initialization is not required.

Consider **claim 9** as applied to claim 8, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting

and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66)

(read as notifying part) to display the wireless network availability (see [0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network

accessing routine determining the wireless accessibility based on the wireless signal

received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that

comprises an 802.11(b) Medium Access Controller (MAC) (read as network access

routine) which provides interface between the software in the BIOS (306) and the

network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to conserve power by using wireless interface layer in BIOS,

where application software, operating system, and device driver initialization is not

required.

Consider **claim 10** as applied to claim 8, Jeansonne et al. disclose a wireless

communication module (42) (read as wireless communication part) receiving and

transmitting a wireless signal through the wireless network as shown by antenna (52) to

seek a wireless network in response to the execution of the seek function (read as

network access routine) and providing the wireless network availability and displaying

the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to conserve power by using wireless interface layer in BIOS, where application software, operating system, and device driver initialization is not required.

Consider **claim 11**, Jeansonne et al. disclose a method of controlling a notebook computer (100) (read as wireless portable computer) by operating an electrical switch (58) (read as hardware selector) while the power to the notebook computer (100) is turned off in order to provide network access to the notebook computer (100) and power to the wireless communication module (42).

However, Jeansonne et al. fail to disclose storing in a BIOS memory of the wireless portable computer a wireless network accessing routine that provides a wireless network accessibility status; and executing the wireless network accessing routine at the BIOS level to provide the wireless network accessibility status.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that

comprises an 802.11(b) Medium Access Controller (MAC) (read as network access

routine) which provides interface between the software in the BIOS (306) and the

network card and plays a part in performing wireless communication at the BIOS level

(see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to conserve power by using wireless interface layer in BIOS,

where application software, operating system, and device driver initialization is not

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jeansonne et al. (USPN 2003/0023761).

Consider **claim 5**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) comprising: an electrical switch (58) (read as hardware selector) to activate the wireless communication module (42) to seek wireless network access while the notebook computer (100) is turned off; and a media access controller (44) (read as programmed controller) is activated by the operation of the electrical switch (68) (read as selector) and power is only supplied only to components that perform the wireless access seek function (read as components providing a wireless network accessibility state; see [0036 - 0042]).

Consider **claim 8**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) with a microcontroller (44) (read as controller) comprising: a microcontroller (44) (also read as programmed computer processor; [0045]) which is activated by an electrical switch (58) (read as selector) while the notebook computer (100) is turned off and power is only supplied only to components that perform the wireless access seek function (read as components providing a wireless network accessibility state; see [0036 - 0042]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the .

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

Fayyaz Alam

3-14-07

Lana N. Le
Primary Examiner
Technology Center 2600

March 10, 2007